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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**RICHARD J. GATT,**

Plaintiff,

v.

**EXPRESS RECOVERY SERVICES,  
INC.,**

Defendant.

**ORDER ADOPTING & AFFIRMING  
REPORT & RECOMMENDATION**

**Case No. 2:11cv43DAK**

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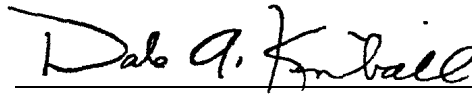
This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Paul Warner under 28 U.S.C. § 636(b)(1)(B). On June 8, 2011, Magistrate Judge Warner issued a Report and Recommendation concluding that Defendant's motion to set aside default judgment should be granted and that Plaintiff's motion to remand to state court should be denied.

The Report and Recommendation notified the parties that any objection to the Report and Recommendation was required to be filed within ten days of receiving it. Plaintiff has not filed an objection, and the time for filing an objection has passed.

The court has reviewed the case *de novo* and the court agrees with the Report and Recommendation in its entirety. The court hereby adopts it as the order of the court. Accordingly, Defendant's motion to set aside default judgment is GRANTED and Plaintiff's motion to remand to state court is DENIED.

DATED this 20th day of July, 2011.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive style with a large initial "D".

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DALE A. KIMBALL

United States District Judge